

AMENDED IN SENATE MAY 3, 2006
AMENDED IN SENATE APRIL 17, 2006
AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1180

Introduced by Senator Migden
(Principal coauthor: Senator Figueroa)
(Coauthors: Assembly Members Chan, Koretz, and Saldana)

January 17, 2006

An act to add Section 11757 to the Health and Safety Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1180, as amended, Migden. Health and Human Services: alcohol use prevention: minors.

Existing law establishes the California Health and Human Services Agency, which includes the State Department of Alcohol and Drug Programs. The department provides, among other things, alcohol prevention and treatment programs, including programs related to the inappropriate use of alcoholic beverages.

This bill would require the Secretary of the California Health and Human Services Agency, on or before January 1, 2008, ~~in cooperation with the State Department of Alcoholic Beverage Control and~~ in consultation with the State Department of Alcohol and Drug Programs and various other entities, to issue a report to the Legislature identifying and summarizing the most recent research, data, and other relevant information regarding alcoholic beverage use by underage youth, as described. This bill would require the report to include recommendations for additional action to prevent alcoholic beverage

use by underage youth, including legislative changes and suggestions for new or modified programs that would aid in the reduction of alcoholic beverage use by youth in California, as provided.

This bill would also exempt any contracts that are necessary to complete this report from the provisions that generally apply to public contracts.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Problems associated with alcohol consumption by those
4 under the minimum drinking age of 21 years constitute a public
5 health and safety emergency in California and the nation. The
6 prevention of underage alcohol consumption is therefore an
7 urgent priority for the people of California.

8 (b) The earlier a young person begins to consume alcoholic
9 beverages, the more likely it is that he or she will experience
10 alcohol problems throughout his or her life. Research has shown
11 that, compared with persons who wait until 21 years of age or
12 older to begin drinking, those who start to drink before 15 years
13 of age are at far greater risk of alcohol problems later in life,
14 including alcohol-related motor vehicle crashes, assault, and
15 other types of injuries. Recent increases in alcohol consumption
16 and binge drinking among underage girls, including girls under
17 the age of 15 years, emphasize the need for new initiatives to
18 prevent youth alcohol problems.

19 (c) The sale, transfer, or furnishing of alcoholic beverages to
20 minors and the public possession of alcohol by minors is illegal
21 in California. Enforcement of laws designed to prevent access
22 and consumption of alcoholic beverages by minors is an urgent
23 priority for the state.

24 (d) California and its governmental subdivisions have initiated
25 numerous programs and public awareness campaigns to prevent
26 alcohol problems in minors and to alert citizens to the dangers
27 associated with underage drinking. These efforts, which are
28 augmented by programs conducted by nongovernmental

1 organizations and individuals, are not sufficiently addressing the
2 public health emergency associated with underage drinking.

3 (e) Research has established that exposure to alcohol
4 advertising influences young people's beliefs and intentions
5 regarding alcoholic beverages and that increased exposure to
6 alcohol advertising results in increased underage alcohol
7 consumption.

8 (f) Research has also established that some alcohol
9 advertisements have images, themes, slogans, and other content
10 that are highly attractive to young people and encourage them to
11 consume alcoholic beverages.

12 (g) Alcoholic beverage products, that research shows are
13 highly attractive to young people, including girls under the age of
14 15 years, are advertised and sold in California. These products,
15 sometimes referred to as flavored alcoholic beverages or
16 "alcopops," have added flavorings and sweeteners. "Alcopops"
17 have a relatively low alcohol content that makes them similar in
18 taste to fruit drinks, sodas, and other nonalcoholic beverages
19 popular with young people. Advertising for these products
20 constitutes a threat to the health and safety of minors.

21 (h) Current laws and voluntary restrictions on alcohol
22 advertising have failed to reduce exposure of alcohol advertising
23 to young people. Research shows that in many cases minors are
24 exposed to advertisements for particular alcohol products to a
25 much larger extent than adults, including young adults, when
26 measured on a per capita basis. This is true for many "alcopops,"
27 whose sweet taste and similarity to nonalcoholic beverages have
28 been found to be highly attractive to young people.

29 (i) Because alcoholic beverages are a legal product for adults,
30 restrictions on youth exposure to alcohol advertising must
31 provide advertisers with clear guidance as to what is prohibited,
32 must not impose strict liability on advertisers, and must be
33 narrowly tailored to ensure the means to reach potential
34 customers of legal drinking age.

35 SEC. 2. Section 11757 is added to the Health and Safety
36 Code, to read:

37 11757. (a) (1) On or before January 1, 2008, the secretary, ~~in~~
38 ~~cooperation with the State Department of Alcoholic Beverage~~
39 ~~Control~~, shall issue to the Legislature a report *prepared by the*
40 *State Department of Alcohol and Drug Programs* identifying,

1 *collecting, analyzing, and summarizing the most recent research,*
2 *data, programs, prevention policies, and other relevant*
3 *information regarding alcoholic beverage use by underage youth,*
4 *including, but not limited to, use of flavored malt beverages by*
5 *underage youth.*

6 (2) The secretary *and the State Department of Alcohol and*
7 *Drug Programs* shall consult with the ~~department~~ *Department of*
8 *Alcoholic Beverage Control*, the State Department of Health
9 Services, the office of the Attorney General, and the Senate
10 Office of Research in developing the report.

11 (b) (1) The report shall:

12 (A) Describe the onset, prevalence, frequency, and intensity of
13 alcoholic beverage use by underage youth, including any
14 difference in use by gender, age, race, ethnicity, geographic
15 location, and type *or brand* of alcoholic beverage consumed.

16 (B) Describe the factors that lead to, and are associated with,
17 alcoholic beverage use by underage youth.

18 (C) Describe the *extent and* impact of exposure to various
19 forms of alcoholic beverage advertising on youth, including the
20 impact of advertising placement and content, product placement,
21 Internet advertising, and marketing at colleges and universities.

22 (D) Identify federal statutes, programs, and efforts related to
23 the reduction of alcoholic beverage use by underage youth.

24 (E) Identify statutes, programs, and efforts in California
25 related to the reduction of alcoholic beverage use by underage
26 youth, including compliance check programs in retail outlets,
27 enforcement programs to deter adults from purchasing alcoholic
28 beverages for underage youth, and school alcohol prevention
29 programs.

30 (F) Identify efforts and best practice models in other states to
31 reduce alcoholic beverage use by underage youth.

32 (G) *Identify and describe labeling and advertising practices*
33 *associated with flavored alcoholic beverages, particularly in*
34 *comparison to labeling and advertising practices associated with*
35 *nonalcoholic beverages.*

36 ~~(G)~~

37 (H) Describe the compliance with, and effectiveness of,
38 alcoholic beverage industry codes for self-regulation and
39 alcoholic beverage advertising.

40 ~~(H)~~

1 (I) Describe any harmful health, social, and other
2 consequences of alcoholic beverage use by underage youth,
3 including any difference in consequences by gender, age, race,
4 ethnicity, and geographic location.

5 (H)

6 (J) Recommend—~~additional~~ actions to prevent alcoholic
7 beverage use by underage youth, including legislative changes
8 and suggestions for new or modified programs *and policies* that
9 would aid in the reduction of alcoholic beverage use by youth in
10 California.

11 (I)

12 (K) Identify and describe any other relevant information
13 regarding alcoholic beverage use by underage youth as
14 determined by the secretary ~~and the State~~, *the State Department*
15 *of Alcohol and Drug Programs*, and the Department of Alcoholic
16 Beverage Control.

17 (2) The report shall focus on alcoholic beverage use by
18 underage youth in California to the extent relevant information is
19 available and shall include national information where
20 California-specific information is not available.

21 (c) *Notwithstanding any other provision of law, any contracts*
22 *required to meet the requirements of this section are exempt from*
23 *the requirements contained in the Public Contract Code and the*
24 *State Administrative Manual, and are exempt from approval by*
25 *the Department of General Services.*